

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2001-006962

04/14/2015

HONORABLE TIMOTHY J. RYAN

CLERK OF THE COURT
C. Clark
Deputy

Atlas #000398001901
IN RE THE MATTER OF
ERIC BEARD

DEBORAH VARNEY

AND

CORINA DASCHIEVICI

CORINA DASCHIEVICI
UP

AG-CHILD SUPPORT-EAST VALLEY
OFFICE

MINUTE ENTRY

Courtroom SEF 402

9:01 a.m. This is the time set for Resolution Management Conference regarding Father's *Petition to Reinstate Parenting Time* filed February 5, 2015, Father's *Petition to Modify Legal Decision-making and Physical Custody of Jaelen to Father* and Father's *Emergency Petition to Modify Physical Custody to Father* filed concurrently on April 10, 2015. Counsel, Deborah Varney, is present on behalf of Petitioner/Father, Eric Beard, who is present. Respondent/Mother, Corina Daschievici, is present on her own behalf.

A record of the proceedings is made by audio and/or videotape in lieu of a court reporter.

Discussion is held.

THE COURT FINDS that Mother has intentionally omitted a material fact. Therefore,

IT IS ORDERED assessing Respondent/Mother the cost of Father's attorney's fees for this hearing as a sanction for her intentional omission of fact, to be paid to Father's counsel by no later than May 15, 2015.

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The Court will allow Mother to submit a statement, clarifying her position, not later than May 1, 2015. If the Court finds Mother was not intentionally omitting a material fact, the order for sanctions above shall be set aside.

LET THE RECORD REFLECT that counsel for Father presents Mother a copy of the *Petition to Modify Legal Decision-making and Physical Custody of Jaelen to Father* and the *Emergency Petition to Modify Physical Custody to Father*, both filed with the Court on April 10, 2015.

IT IS ORDERED affirming the previous Court order for daily telephonic contact between the minor child and Father.

IT IS FURTHER ORDERED neither party shall make derogatory, disparaging, or similarly negative comments about the other party in the presence of the minor child. Neither party shall discuss family law legal proceedings with the child or use the child as a messenger for parenting issues. Each parent shall encourage love and respect between the child and the other parent, and neither shall do anything which may undermine the child's relationship with the other parent.

IT IS FURTHER ORDERED that counsel for Father may subpoena the minor child for his appearance at the upcoming hearing in front of Judge Bene.

IT IS FURTHER ORDERED affirming the hearing on May 5, 2015 in front of Commissioner Hartsell.

IT IS FURTHER ORDERED affirming the hearing on April 17, 2015 in front of Judge Beene.

IT IS FURTHER ORDERED setting this matter for **Temporary Orders Hearing on April 29, 2015 at 11:30 a.m.** before:

Honorable **Timothy J. Ryan**
Southeast Judicial District
Courtroom 402
222 East Javelina Avenue
Mesa, Arizona 85210

Time Allotted: 30 minutes

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IT IS FURTHER ORDERED that no less than five (5) business days prior to the Hearing, the parties and, if represented, counsel shall provide to the clerk of this division any exhibits they shall seek to admit into evidence. **All exhibits must be clearly identified, separated by a COLORED sheet and hand delivered to the Clerk of this Division no later than 12:00 p.m. on April 22, 2015 (five days). All exhibits shall be hand-delivered directly to court staff at this Division's suite.** Exhibits shall not be presented for marking that have not been previously exchanged. No duplicate exhibits shall be presented for marking. **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections.**

IF EITHER PARTY FAILS TO APPEAR FOR THE HEARING, THE HEARING MAY NEVERTHELESS PROCEED, AND RELIEF MAY BE ENTERED IN FAVOR OF THE PARTY WHO HAS APPEARED.

IF BOTH PARTIES FAIL TO APPEAR, THE HEARING MAY BE VACATED AND/OR THE ACTION MAY BE DISMISSED.

The parties may present to the Court a Stipulation resolving any issues for a Stipulated Agreement, with accompanying documents subject to the Court's review of sufficiency, for immediate entry should the entire case be settled.

POSTPONEMENTS AND SCHEDULE CHANGES

Postponements and schedule changes will not ordinarily be granted. Any postponement or change will be granted only in accordance with appropriate rules, based on a showing of good cause, and requires the express written approval of the Court.

NOTE: All court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting this division five (5) court business days before the scheduled hearing.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

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IT IS ORDERED setting Evidentiary Hearing on **September 2, 2015 at 10:00 a.m.** (time allotted: 2 hours) in this division at:

Maricopa County Superior Court
Southeast Judicial District
Courtroom 402
222 E. Javelina Avenue
Mesa, AZ 85210

NOTE: Effective June 22, 2015, Honorable Timothy J. Ryan will be rotating out of family court and will no longer assume this family court calendar. Accordingly, this matter will be heard by a newly assigned Judicial Officer.

IT IS FURTHER ORDERED that the parties shall file and provide this division with a copy of a Joint Pre-Hearing Statement pursuant to Rule 76, Arizona Rules of Family Law Procedure, no later than **August 26, 2015**.

IT IS FURTHER ORDERED that the Joint Pre-Hearing Statement shall include the following attachments:

1. A current Affidavit of Financial Information.
2. A current Parent's Worksheet for Child Support Amount completed by each party pursuant to the Statewide Child Support Guidelines.
3. If there are disputed legal decision making, access or parenting time issues, a specific proposal for legal decision making and parenting time by each party.

IT IS FURTHER ORDERED that the parties shall indicate in the Joint Pre-Hearing Statement those exhibits they have agreed will be admissible at the hearing, as well as any specific objections that will be made to any exhibit, if offered at the hearing, that is not agreed to be admitted. Reserving all objections to the time of the hearing will not be permitted. At the time of the hearing, all exhibits that the parties have agreed will be admitted and all exhibits for which no specific objection is stated in the Joint Pre-Hearing Statement shall be summarily admitted.

IT IS FURTHER ORDERED that the failure of counsel or any party to appear at the time of the hearing or to timely present the Joint Pre-Hearing Statement in proper form, including each and every attachment required, shall, in the absence of good cause shown, result in the imposition of any and all available sanctions pursuant to Rule 71, Arizona Rules of Family

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Law Procedure and Local Rules 6.2(e) and 6.9(k), including proceeding to hear this matter by default based upon the evidence presented by the appearing party.

IT IS FURTHER ORDERED any evidence intended to be submitted as exhibits at the time of the hearing must be brought to this division **no later than August 26, 2015, with a coversheet listing the description of the exhibits. The exhibits shall be separated by a COLORED sheet of paper.** Any exhibits submitted shall be copied to the opposing party at that same time. The parties shall coordinate their exhibits so that each party does not present duplicate exhibits of the other party. **Failure to obey these orders may result in exclusion of the exhibit and/or waiver of objections. NOTE: DO NOT PROVIDE A BENCH COPY OF THE EXHIBITS. Attorneys who violate this order shall reimburse their client for the cost of preparing a Bench Copy notebook and will be sanctioned a \$100 fine payable to the Clerk of Court.**

NOTE: If either party intends to offer as evidence the digital or electronic recording from a prior court proceeding, the party shall also provide to the Court a certified transcript of the recording, which shall be marked as an exhibit. The party seeking to offer the recording as evidence shall bear the cost for preparation of the transcription. If either party intends to offer documents as evidence that are in a language other than English, the Court shall be provided with an official certified translation of the documents.

Counsel and the parties are reminded of their obligation to give prompt notice to the Court of any settlement as required by Rule 70, Arizona Rules of Family Law Procedure.

IT IS FURTHER ORDERED with regard to discovery and disclosure requirements:

1. Both parties shall exchange updated disclosure statements required by Rules 49 and 50, Arizona Rules of Family Law Procedure, including an exchange of all relevant information, documents, and exhibits on or before **August 3, 2015.**
2. All depositions and discovery contemplated by Rules 49 through 65, Arizona Rules of Family Law Procedure, shall be completed and any motions regarding discovery shall be filed no later than **August 3, 2015.**
3. Counsel and both parties shall confer on or before **August 3, 2015** to conduct settlement discussions, exchange all exhibits, and discuss the resolution and narrowing of all procedural and substantive issues in this case.
4. The parties shall promptly comply with all requests for relevant information in this case. In this regard, the parties shall sign all necessary consents and releases reasonably required to obtain any relevant documents or records from any financial

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institution, company, business, medical or healthcare provider, or employer possessing any relevant information.

NOTICE

You may request conclusions of fact and law on the following issues, if they are contested: the issues of legal decision making authority, relocation requests, spousal maintenance, community property, community debt, and child support. To request conclusions of fact and law, you must file a written request with the Court before the hearing. If you make a written request before the hearing, the Court will make conclusions of fact and law as part of the final decision.

If any party asks the Court to make findings of fact and law on any issue, each party must file written proposed findings of fact and law on those issues. The proposed findings also must be submitted in an electronic form that is editable, preferably Microsoft Word. The proposed findings must be submitted with the Pre-Hearing Statement.

NOTE: ALL COURT PROCEEDINGS ARE RECORDED BY AUDIO METHOD AND NOT BY A COURT REPORTER. ANY PARTY MAY REQUEST THE PRESENCE OF A COURT REPORTER BY CONTACTING THIS DIVISION THREE (3) COURT BUSINESS DAYS BEFORE THE SCHEDULED HEARING.

NOTICE: A child should not be brought to the Courthouse to be present during a court proceeding except in the circumstance that the child is to be interviewed by the Judge in chambers or unless the child's presence is otherwise required for the court proceeding. Whenever a child is brought to the Courthouse, it is the responsibility of the party who brings the child to arrange for appropriate care and supervision of the child outside of the courtroom and judicial offices. The duties of Court personnel do not permit them to perform this function.

9:29 a.m. Hearing concludes.

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.